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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/743,975 | 07/03/2001 | Christian Dogl | 417202000100 | 1401 |
| 7590 | 03/31/2004 | | EXAMINER | |
| Stephen C Durant Morrison & Foerster 425 Market Street San Francisco, CA 94105-2482 | | | NGUYEN, LE V | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2174 | 10 |
| DATE MAILED: 03/31/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|-----------------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/743,975 | DOGL ET AL. <i>[Signature]</i> | |
| | Examiner | Art Unit | |
| | Le Nguyen | 2174 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 December 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 12/19/03.
2. Claims 1-11 are pending in this application; claim 1 is an independent claim; claims 1-9 have been amended; and, claims 10 and 11 have been added.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "the display of text passages". There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the display of text passages". There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the corresponding radial line". There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitations "the corresponding visual representation".

There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 103

5. Claims 1-3, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. ("Jain", US 6,121,969) in view of Applicant's Admitted Prior Art.

As per claim 1, Jain teaches a method for displaying search results relevant to a solution of a task by using a screen and at least one data memory for electronically stored text passages; wherein upon entering a combination of search criteria (B, S, T) and of the search results (bit, *fff*), relevant to such combinations are displayed on the screen, the visual representation of the combination of search criteria (B, S, T) being displayed in the center of the screen (fig. 2; col. 11, lines 20-21; col. 25, lines 38-40, 58-60;) and said usual representations of the search results being arranged on the screen concentrically around the usual representation of the combination of the search criteria (B, S, T), with the radial distances of each of the visual representation of the search results (bit, *fff*) from the visual representation of the combination of search criteria (B, S, T) showing their relevance of each of the search results the combination of search criteria (col. 9, lines 35-41; col. 8, lines 63-67; col. 25, line 35 through col. 26, line 19). Although Jain's information retrieval system comprising search criteria with corresponding search results wherein the search results are of visual records or database records of any type (col. 10, lines 59-62), Jain does not explicitly disclose the database records to be text passages. However, Applicant's Admitted Prior Art discloses an information retrieval system comprising search criteria with corresponding search results wherein the search results are of text passages (page 1, line 25-29). Therefore, it would have been obvious to an artisan at the time of the invention to include the method of Applicant's Admitted Prior Art wherein the search results of a search criteria are of text passages in an information retrieval system to the method of Jain wherein the

search results of a search criteria are of visual records in an information retrieval system in order to provide users with greater search capabilities concerning the various kind of data to be searched.

As per claim 2, the modified Jain teaches a method for displaying search results relevant to a solution of a task by using a screen and at least one data memory for electronically stored text passages, wherein sectors of the screen are attributed to each of the search criteria (B, S, T), with each of the visual representations of text passages (bit, *fff*) being displayed on the screen in the most relevant sectors of a corresponding search criterion (B, S, T) (Jain: col. 8, lines 63-67).

As per claim 3, the modified Jain teaches a method for displaying search results relevant to a solution of a task by using a screen and at least one data memory for electronically stored text passages, wherein the visual representations of the text passages (bit, *fff*) are displayed on the screen in two or three dimensions (Jain: col. 11, lines 17-29).

As per claim 9, the modified Jain teaches a method for displaying search results relevant to a solution of a task by using a screen and at least one data memory for electronically stored text passages wherein a distance between each of the visual representations of text passages and center of the screen increases as the number of search criteria to which a corresponding text passage is relevant decreases (col. 26, lines 6-11).

As per claim 10, the modified Jain teaches a method for displaying search results relevant to a solution of a task by using a screen and at least one data memory for electronically stored text passages wherein the visual representations of the text passages (bit, *fff*) are displayed on the screen in two or three dimensions (col. 11, lines 27-28).

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6. Claims 4, 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. ("Jain", US 6,121,969) in view of Applicant's Admitted Prior Art, and further in view of Readings in Information Visualization Using Vision to Think ("Information Visualization").

As per claim 4, the modified Jain teaches a method for displaying search results relevant to a solution of a task by using a screen and at least one data memory for electronically stored text passages wherein displayed is a radial distances of each of the visual representation of the search results from the visual representation of the combination of search criteria displayed in the center of the screen (B, S, T) (Jain: col. 9, lines 35-41; col. 8, lines 63-67; col. 25, line 35 through col. 26, line 19) with the visual representations of the text passages (bit, *fff*) relevant to an individual one of the search criteria (B,S,T) (Jain: col. 10, lines 59-62; Applicant's Admitted Prior Art: page 1, line 25-29). The modified Jain does not explicitly disclose the radial distance being a radial line. Information Visualization teaches a method for displaying search results relevant to a solution of a task by using a screen and at least one data memory for electronically stored text passages wherein displayed are radial distances of the visual representation of the search results from the visual representation of the search criteria or combination of search criteria displayed as a radial line extending from the visual representations of the search criteria displayed (page 299). Therefore, it would have been obvious to an artisan at the time of the invention to include Information Visualization's method of displaying a radial distance being as a radial line in a visual representation of a dynamic query to Jain's method of a radial distance in a dynamic query in order to reduce ambiguity concerning to which search criteria the search result is associated.

As per claim 5, the modified Jain teaches a method for displaying search results relevant to a solution of a task by using a screen and at least one data memory for electronically stored text passages wherein the visual representations of the text passages (bit, *fff*) which are relevant to two of the search criteria are shown in sectors of the screen delimited by the radial lines corresponding to the two search criteria (Information Visualization: fig. 5; col. 1, lines 1-2).

As per claim 11, the modified Jain teaches a method for displaying search results relevant to a solution of a task by using a screen and at least one data memory for electronically stored text passages wherein displayed is a radial distances of each of the visual representation of the search results from the visual representation of the combination of search criteria displayed in the center of the screen (B, S, T) (Jain: col. 9, lines 35-41; col. 8, lines 63-67; col. 25, line 35 through col. 26, line 19) with the visual representations of the text passages (bit, *fff*) relevant to an individual one of the search criteria (B,S,T) (Jain: col. 10, lines 59-62; Applicant's Admitted Prior Art: page 1, line 25-29). The modified Jain does not explicitly disclose the radial distance being a radial line. Information Visualization teaches a method for displaying search results relevant to a solution of a task by using a screen and at least one data memory for electronically stored text passages wherein displayed is a radial distances of the visual representation of the search results from the visual representation of the search criteria or combination of search criteria displayed as a radial line extending from the visual representations of the search criteria displayed (page 299). Therefore, it would have been obvious to an artisan at the time of the invention to include Information Visualization's method of displaying a radial distance being as a radial line in a visual representation of a dynamic query to Jain's method of a radial distance in

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a dynamic query in order to reduce ambiguity concerning to which search criteria the search result is associated.

7. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. ("Jain", US 6,121,969) in view of Applicant's Admitted Prior Art, and further in view of Readings in Information Visualization Using Vision to Think ("Information Visualization").

As per claim 6, although the modified Jain teaches a method for displaying search results relevant to a solution of a task by using a screen and at least one data memory for electronically stored text passages wherein visual representations of results of the search criteria is attributed to at least one of the search criteria (B,S,T) are shown on the screen (col. 9, lines 35-41; col. 8, lines 63-67; col. 25, line 35 through col. 26, line 19), the modified Jain does not explicitly disclose the visual representations to be one of a subcriteria attributed to at least one of the search criteria (B,S,T) are shown on the screen. Information Visualization teaches a method for displaying search results relevant to a solution of a task by using a screen and at least one data memory for electronically stored text passages wherein visual representations of subcriteria attributed to at least one of the search criteria (B,S,T) are shown on the screen (Information Visualization: figs. 4-5; col. 1, line 1 through col. 2, line 11). Therefore, it would have been obvious to an artisan at the time of the invention to include Information Visualization's visual representations of subcriteria attributed to at least one of the search criteria (B,S,T) are shown on the screen to the modified Jain's visual representations of results of the search criteria is attributed to at least one of the search criteria (B,S,T) are shown on the screen in order to provide user's with a visualization and overview of multiple search results and their corresponding search criteria.

As per claim 7, the modified Jain teaches a method for displaying search results relevant to a solution of a task by using a screen and at least one data memory for electronically stored text passages wherein visual representation of subcriteria of a lower level of hierarchy attributed to each of the subcriteria (Information Visualization: figs. 4-5; col. 1, line 1 through col. 2, line 11) are arranged radially around the visual representations of the subcriteria (Jain: col. 9, lines 35-41; col. 8, lines 63-67; col. 25, line 35 through col. 26, line 19).

As per claim 8, the modified Jain teaches a method for displaying search results relevant to a solution of a task by using a screen and at least one data memory for electronically stored text passages wherein the visual representations of subcriteria of the lower level of hierarchy are arranged around the corresponding visual representation of the search criterion on the screen (Information Visualization: figs. 4-5; col. 1, line 1 through col. 2, line 11) in a three dimensional radial order (Jain: col. 9, lines 35-41; col. 8, lines 63-67; col. 25, line 35 through col. 26, line 19).

Response to Arguments

8. Applicant's arguments filed 12/19/03 have been fully considered but they are not persuasive.

Applicant argued the following:

- (a) Jain's search criteria cannot and would not be displayed at the center of the display plot.
- (b) There is no mention in Jain of the display arrangement of search criteria *and* text passages.

The examiner disagrees for the following reason(s):

Per (a), Jain teaches a search criteria displayed at the center of the display plot, starting at a position (0,0,0) (fig. 2; col. 25, lines 38-40, 58-60; *i.e. if the three input queries have the same referent, the coordinate (0,0,0) will be the location of the referent*) in a 3-D space of a 2-D display.

Per (b), in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). While Jain teaches the display arrangement of search criteria (col. 10, lines 59-62; col.25, line 35 through col. 26, line 19), the teaching extracted from Applicant's Admitted Prior Art is for display of the text passages (page 1, line 25-29).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Lê whose telephone number is (703) 305-7601. The examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
March 18, 2004

Kristine Kincaid
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